

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **December 14, 2004**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning – I-2, Light Industrial District to B-4, Central Business District, 601 Twelfth Street, 1101, 1113 Madison Street**

RECOMMENDATION: Approval of the requested rezoning request.

SUMMARY: The Greater Lynchburg Boys & Girls Club is petitioning to rezone approximately 0.778 acres at 601 Twelfth Street, 1101 & 1113 Madison Street from I-2, Light Industrial District to B-4, Central Business District to allow the use of an existing building as a community center. The Planning Commission recommended approval of the rezoning because:

- The petition agrees with the Zoning Ordinance in that a club is a permitted use in a B-4, Central Business District.
- The Comprehensive Plan 2002 – 2020 recommends a Traditional Residential use for the subject property.
- Petition proposes the reuse of an existing building.

PRIOR ACTION(S):

November 10, 2004: Planning Division recommended approval of the Rezoning.
Planning Commission recommended approval 7-0 of the rezoning.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902
Tom Martin / 455-3909

ATTACHMENT(S):

ALL ATTACHMENTS MAY BE VIEWED IN THE OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT, 2ND FLOOR, CITY HALL, 900 CHURCH STREET, LYNCHBURG, VA

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-4, CENTRAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from I-2, Light Industrial District to B-4, Central Business District.

The area embraced within the following boundaries . . .

All those certain lots situate at 601 Twelfth Street, 1101 and 1113 Madison Street and further described as follows:

Starting at the iron pin at the northwest corner of the property and the intersection of Eleventh and Madison Streets, proceed southeast 31 degrees along Madison Street for 330 feet, ending at a stone monument at the intersection of Twelfth and Madison Streets.

From this point, proceed southwest 59 degrees, 22 minutes, 25 seconds along Twelfth Street for 66.41 feet, ending at an iron pin.

From this point, proceed northwest 31 degrees, 02 minutes, 35 seconds for 100 feet, ending at the inside corner of the building.

From this point, proceed southwest 59 degrees, 22 minutes, 25 seconds for 66 feet ending at an iron pin.

From this point, proceed southeast 31 degrees, 02 minutes, 35 seconds for 100 feet, ending at a nail in the sidewalk at Twelfth Street.

From this point, proceed southwest 59 degrees, 22 minutes, 25 seconds along Twelfth Street for 12 feet, ending at an iron pin.

From this point, proceed northwest 31 degrees, 02 minutes, 35 seconds along the alley for 169.92 feet, ending at an iron pin.

From this point, proceed northeast 59 degrees, 22 minutes, 25 seconds for 46.45 feet, ending at an iron pin.

From this point, proceed northwest 32 degrees, 02 minutes, 29 seconds along a rock wall for 160.13 feet, ending at an iron pin at Eleventh Street.

From this point, proceed northeast 59 degrees, 22 minutes, 25 seconds along Eleventh Street for 101.00 feet, ending at an iron pin, at the beginning of the meets and bounds description.

Said property containing 0.782 acres more or less.

. . . is hereby changed from I-2, Light Industrial District to B-4, Central Business District.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia" referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

168L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: November 10, 2004
Re: **REZONING: 601 Twelfth Street, 1101 & 1113 Madison Street, I-2, Light Industrial District to B-4, Central Business District.**

I. PETITIONER

Greater Lynchburg Boys and Girls Club of America

Representatives: Mr. J. H. Taylor, 707 Old Trents Ferry Road, Lynchburg, VA 24503

II. LOCATION

The subject property is a tract of approximately .782 acres located at 601 Twelfth Street, 1101 & 1113 Madison Street.

Property Owner:

Progress Printing Company, P.O. Box 4575, Lynchburg, VA 24502.

III. PURPOSE

The purpose of the petition is to rezone approximately .782 acres located at 601 Twelfth Street, 1101 & 1113 Madison Street from I-2, Light Industrial District to B-4, Central Business District to allow the use of the existing building as a meeting place for the Greater Lynchburg Boys & Girls Club of America.

IV. SUMMARY

- Petition agrees with the Zoning Ordinance in that a club is a permitted use in a B-4, Central Business District.
- The *Comprehensive Plan 2002 – 2020* recommends a Traditional Residential Use for the subject property.
- Petition proposes the reuse of an existing building.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a “Traditional Residential” use for the subject property. This land use category contains the City’s older residential neighborhoods generally built before World War II. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatment. **(pg 5.6)**

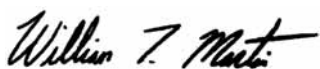
The petition proposes the reuse of a vacant industrial building for a boys and girls club. Given that the building is existing and its close proximity to the downtown and other commercial uses, the proposal should fit well into the area.
2. **Zoning.** The subject property was annexed into the City in 1852. The property has been zoned for industrial uses since 1960. The existing I-2, Light Industrial District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Previous Actions.** The following items in the immediate area have required City Council approval:
 - On September 10, 1991, the City Council approved the CUP petition of Craddock-Terry, Inc., to construct parking lots at 1001-1017 Madison Street and 1118-1120 Harrison Street.
 - On June 23, 1992, the City Council approved the CUP petition of Thomas D. Hughes to operate a Bed & Breakfast at 1102 Harrison Street.
 - On November 8, 1994, the City Council approved the CUP petition of Philip & Ann Ripley to operate a Bed & Breakfast at 1101 Federal Street.

- On November 11, 1997, the City Council approved the CUP petition of Jenny L. West to operate a Bed & Breakfast at 1020 Federal Street.
 - On February 13, 2001, the City Council approved the CUP petition of Trudi & Dennis Malik to operate a Bed & Breakfast at 1115 Federal Street.
5. **Site Description.** The subject property is comprised of a two (2) story 30,895 square foot building that was constructed in 1966. The property is bounded to the north (across 11th Street) by vacant land, to east by commercial uses, to the south (across 12th Street) by commercial uses and to the west by vacant land and residential homes.
6. **Proposed Use of Property.** The purpose of the rezoning is to allow the use of the existing building for a boys and girls club.
7. **Traffic and Parking.** The City's Traffic Engineer's main comment of concern is with the possibility for children to loiter outside of the building and in the road. All attempts should be made to ensure that the children are not allowed to loiter outside of the building. The City Traffic Engineer also commented that parking along the outside of the building should be angled parking only. Adequate parking will be available on the property.
8. **Stormwater Management.** A stormwater management plan will not be required for the reuse of the existing building.
9. **Impact.** The petition proposes to rezone the property from I-2, Light Industrial District to B-4, Central Business District to allow the use of the existing building as a boys and girls club. The purpose of the club is solely for youth programs and activities. Activities that would be available at the club would include: Character & Leadership, Education & Career, Health & Life Skills, the Arts, and Sports, Fitness & Recreation. The facility would be open from 3 p.m. to 8 p.m. on weekdays and 8 a.m. to 5 p.m. on weekends. An initial membership of 100 children is expected. Full time, part time and volunteer leaders will be on staff to facilitate the activities taking place at the club.
- The proposal is in compliance with the *Comprehensive Plan* which recommends a "Traditional Neighborhood" use for the subject property and which also encourages the adaptive reuse of existing buildings. Given the close proximity of the property to the downtown, commercial uses and inner city neighborhoods the proposed facility should fit well into the area.
- The Planning Division and the City's Traffic Engineer have expressed concern to the petitioner about the possibility for children to loiter outside of the building. With adequate supervision of the children this concern can be addressed. The City's Police & Fire Departments did not provide comments on the proposal.
10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 19, 2004. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(s)

Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of .782 acre at 601 Twelfth Street, 1101 & 1113 Madison Street from I-2, Light Industrial District to B-4, Central Business District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development

Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Ms. Judith C. Wiegand, Senior Planner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. J. H. Taylor, Petitioner

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Narrative**
(see attached site plans)
- 5. Promotional Materials**
(see attached materials)

MINUTES FROM THE NOVEMBER 10, 2004 PLANNING COMMISSION MEETING

Petition of Greater Lynchburg Boys & Girls Club of America to rezone approximately .778 acres at 601 Twelfth Street and 1101, 1113 Madison Street from I-2, Light Industrial District to B-4, Central Business District to allow the use of an existing building as a community center.

Mr. Tom Martin, City Planner, reviewed the project noting that the Comprehensive Plan (Comp Plan) recommended a Traditional Neighborhood Use for the subject property. He said that since the existing building was a vacant industrial building and was in close proximity to other commercial uses and the downtown area, the Planning Division felt that the Boys and Girls Club would be an appropriate use for this space. He added that the main concern with the petition was the ability of the Club's staff to keep the children from loitering on the outside of the building. Also, he continued, a number of the children would be walking to and from the facility and the City Traffic Engineer thought the City should install crosswalks that would take care of the safety issue of the children crossing the street. Mr. Martin said the Planning Division recommended approval of the petition.

Mr. Jim Taylor, 707 Old Trents Ferry Road, said he was accompanied by several members of the Boys and Girls Club Board of Directors, as well as Kelvin Moore, architect for the project. He said a group of people had been meeting for 2 ½ to 3 years trying to establish a Boys and Girls Club of America in Lynchburg. He noted that currently there were eighteen people on the Board of Directors, which covered a broad spectrum of individuals from the community. However, Mr. Taylor said what they were lacking was a meeting place. He added that this building became available to them through some help and generosity from a local businessman and that was when the momentum of the club began to pick up. He noted that at that time having a place to meet was key to fund raising but they soon came to the realization that the site had to be rezoned. Mr. Taylor said they were hopeful that the club could open in September 2005 with an initial target membership of 100 children. He said they would modify the inside of the structure by adding bathrooms, as well as improve the exterior. He added that Dr. James Mundy, a neighbor on Harrison Street, was very happy about the proposal as he had been a director at the Boys and Girls Club when he lived in New Jersey.

Mr. Louie Robinson, 210 Mayfield Drive, said the proposed Boys and Girls Club of America would be a positive place for the children of Lynchburg, as it would give them a feeling of belonging. He named several large businesses such as Blockbuster Videos, Circuit City, and Big Lots who continually offer corporate support. He added that many professional sports figures, businessmen, and actors were members of Boys and Girls Clubs when they were young and continued to offer their support as well.

Commissioner Worthington asked if the twenty parking spaces on the site would be enough for the facility. He asked how many children would be at the facility at any one time.

Mr. Taylor said the children would either arrive after school on a school bus or walk to the site, so most of the parking would be for staff members and for parents to pick-up or drop-off their children. He said the number of parking spaces would be adequate.

Commissioner Hamilton asked if there would be any outdoor activities.

Mr. Taylor responded that all activities at the beginning would be held indoors. He said they had no plans to expand because there was no room to do so. He did add that the owner of the adjacent building had offered his building for a gymnasium for some time in the future.

Commissioner Bacon asked if the club would own the property and how they would fund employees and maintain the equipment. She commented that it would be great for local college students to serve internships with the proposed organization.

Mr. Taylor said the building would be leased at a very nominal fee, and one of their Board Members was currently developing a Capital Fund Plan. He said their goal was to raise \$200,000 locally, would acquire start up money through the National Organization, and would apply for grants to help cover expenses.

Commissioner Hamilton asked if there would be buses involved in transporting the children to other activities.

Mr. Taylor said Danville had two large vans to transport participants to outside activities, and the Board of Directors locally had the same vision for the club in Lynchburg.

Chair Dahlgren asked about the terms of the lease and if the owner had a bail out clause.

Mr. Taylor said the lease was currently being put together. He added that they had agreed to a five-year lease with a five-year renewal option.

Chair Dahlgren said he was somewhat bothered because they were being asked to rezone a piece of property with no guarantee that it would continue being used for what it was being rezoned for.

Mr. Martin explained that the building would not be utilized for industrial purposes any more and the Planning Division did not think it was appropriate for the down town area to have B-5 zones. Therefore, he added, the City would be happy for the building to be used for B-4 types of uses.

Chair Dahlgren asked about the membership fee.

Mr. Taylor said the yearly fee was nominal, and added that the rules associated with the membership were very strict. He said if the child could not afford to pay the membership fee, then they could work at the Club in order to pay the fee.

Commissioner Bacon asked if there would be summer hours.

Mr. Robinson said they would be open during the summer with regular daily hours and organized activities throughout the day.

After discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Bacon and passed by the following vote:

“That the Planning Commission recommends approval of the rezoning of .782 acre at 601 Twelfth Street, 1101 & 1113 Madison Street from I-2, Light Industrial District to B-4, Central Business District.”

AYES:	Bacon, Dahlgren, Echols, Flint, Hamilton, Pulliam, Worthington	7
NOES:		0
ABSTENTIONS:		0